

MJC:pac 7592/1 \Pleadings\75921 3 Our Answer to First Amended Complaint 5-26-16

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

LIONEL MONSANTO

VS.

C.A. NO. 1:16-cv-00147

STATE OF RHODE ISLAND, by and
Through its SECRETARY OF TREASURY,
SETH MAGAZINER; JAMES DONNELLY
TAYLOR, individually and in his official
Capacity; GREGORY PALMER, individually and
in his official capacity; RHODE ISLAND STATE
POLICE; COLONEL STEVEN G. O'DONNELL,
Individually and in his official capacity

JURY DEMAND

**ANSWER OF DEFENDANT, JAMES DONNELLY-TAYLOR,
TO FIRST AMENDED COMPLAINT**

1. Denied.
2. Neither admitted nor denied.
3. Denied.
4. Admit.
5. Unknown and denied.
6. Admit.
- 7-11. No answer required by this defendant.
12. Admit.
- 13-15. Unknown and denied.
- 16-18. Admit.
19. Admit asked for documents. Deny alleged response.
20. Admit generally. Deny alleged sequence.
21. Denied.
22. Unknown and denied.
23. Denied.

- 24. Denied.
- 25. Admit as to passenger.
- 26. Unknown and denied.
- 27. Denied.
- 28. Denied.
- 29. Admit generally. Deny as to alleged sequence.
- 30. Denied.
- 31. Denied.
- 32. Denied.
- 33. Deny characterization of defendant's behavior.
- 34. Admit that the comment was made. Deny the sequence and characterization as
alleged.
- 35. Denied.
- 36. Denied.
- 37. Unknown and denied.
- 38. Unknown and denied.

COUNT I

CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983

- 39. Defendant incorporates his answers to the said realleged paragraphs.
- 40-42. Denied.

COUNT II

STATE OF RHODE ISLAND'S FAILURE TO TRAIN AND SUPERVISE

- 43. Defendant incorporates his answers to the said realleged paragraphs.
- 44-47. No answer required by this defendant and to the extent that the same contains
allegations of wrongdoing, the same are denied.

COUNT III

**CONSPIRACY TO VIOLATE PLAINTIFF'S CIVIL
RIGHTS UNDER SECTION 1983**

48. Defendant incorporates his answers to the said realleged paragraphs.
49. Denied.
50. Denied.

COUNT IV

**COLONEL STEVEN G. O'DONNELL'S SUPERVISORY
LIABILITY UNDER 42 U.S.C. § 1983**

51. Defendant incorporates his answers to the said realleged paragraphs.
52-55. No answer required by this defendant and to the extent that the same contains allegations of wrongdoing, the same are denied.

COUNT V

ASSAULT AND BATTERY

56. Defendant incorporates his answers to the said realleged paragraphs.
57-59. Denied.

COUNT VI

MALICIOUS PROSECUTION

60. Defendant incorporates his answers to the said realleged paragraphs.
61-67. Denied.

COUNT VII

FALSE IMPRISONMENT AND FALSE ARREST

68. Defendant incorporates his answers to the said realleged paragraphs.
69-75. Denied.

COUNT VIII

INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

76. Defendant incorporates his answers to the said realleged paragraphs.
77-79. Denied.

Wherefore, defendant demands judgment against the plaintiff.

AFFIRMATIVE AND/OR OTHER DEFENSES

1. Defendant pleads assumption of the risk.
2. Defendant pleads qualified immunity.

DEFENDANT, James Donnelly-Taylor
By his Attorney,

/s/ Michael J. Colucci
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CERTIFICATION

I hereby certify that I have filed the within with the United States District Court on this 26th day of May, 2016, that a copy is available for viewing and downloading via the ECF system, and that I have caused a copy to be sent to:

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